

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 30

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte RONALD L. TELLAS, RANDALL L. GRIGOLETTI, and  
BRIAN E. CLAY

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Appeal No. 97-1049  
Application No. 08/489,256<sup>1</sup>

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HEARD: March 12, 1999

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Before HAIRSTON, BARRETT, and GROSS, Administrative Patent  
Judges.  
GROSS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 36 through 45. Claims 1 and 4 through 33

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<sup>1</sup> Application for patent filed June 14, 1995. According to appellants, the application is a continuation of Application 08/133,678, filed October 07, 1993, now abandoned.

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have been allowed, and claims 2, 3, 34, and 35 have been canceled.

The appellants' invention relates to an integrated surge protector connector for a coaxial cable. Claim 36 is illustrative of the claimed invention, and it reads as follows:

36. An integrated surge protector connector for a coaxial cable having inner and outer conductors, said surge protector connector comprising a unitary hollow body having first and second sections, said first section containing coaxial cable connector elements directly engaging the inner and outer conductors of the coaxial cable so that the integrated surge protector connector is directly attached to the coaxial cable without using a separate coaxial cable connector between the integrated surge protector connector and the coaxial cable, said second section containing a shorting stub conductively connected to the inner conductor of the coaxial cable via one of said connector elements so that said shorting stub diverts to ground a dangerous current surge.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Juds et al. (Juds)

4,046,451

Sep. 06, 1977

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Huber and Suhner Surge Protector brochure (Suhner)

Claims 36 through 45 stand rejected under 35 U.S.C. § 103 as being unpatentable over Suhner in view of Juds.

Reference is made to the Examiner's Answer (Paper No. 20, mailed July 22, 1996) for the examiner's complete reasoning in support of the rejections, and to the appellants' Brief (Paper Nos. 17 and 19, filed February 26, 1996 and June 10, 1996, respectively) and Reply Brief (Paper No. 21, filed August 26, 1996) for the appellants' arguments thereagainst.

#### OPINION

We have carefully considered the claims, the applied prior art references, and the respective positions articulated by the appellants and the examiner. As a consequence of our review, we will reverse the obviousness rejection of claims 36 through 45.

Independent claims 36, 42, and 45 each recite

An integrated surge protector connector for a coaxial cable . . . so that the integrated surge protector connector is directly attached to the coaxial cable without using a separate coaxial cable connector between the integrated surge protector connector and the coaxial cable.

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In other words, the claimed invention is a surge protector and connector for a coaxial cable combined as an integrated unit in such a way that the device and the cable are connected without an additional mating connector.

The examiner relies on Suhner for an integrated surge protector connector. She states (Answer, page 4)

The Suhner surge protector submitted by appellants, shows an integrated surge protector with a hollow cylindrical body 3, having first and second sections with a coaxial cable connector interface 1, a cable attachment interface 2, and shorting stub 4. The Suhner surge protector does not disclose that the surge protector connector is adapted to directly interface with a cable without using a separate coaxial cable connector . . . .

In fact, the Suhner device requires a mating connector. The examiner turns to Juds for the claimed connector interface asserting that "it would have been obvious . . . to replace the Suhner connector interfaces with the cable connector interfaces taught by Juds et al., since Juds et al. teaches a superior coaxial connector interface which is easily installed and removed." (Answer, pages 4 and 5). Juds, however,

discloses a complete mating connector, not merely an improved interface. Juds teaches in column 1, lines 7-21, that the connector is easy to install, remove, and re-install, has a minimum number of parts, and can be installed and removed without the use of special tools. Therefore, Juds provides motivation as to why the skilled artisan would have substituted Juds' entire mating connector for the mating connector required by Suhner, but not to replace the connector interface of Suhner. Furthermore, the examiner has provided no explanation as to how one of ordinary skill in the art would substitute only the connector interfaces of Juds for those of Suhner. Additionally, neither Suhner nor Juds teaches why or how one of ordinary skill in the art would have integrally formed a surge protector in the middle of the Juds connector. Accordingly, the examiner has failed to establish a prima facie case of obviousness.<sup>2</sup>

#### CONCLUSION

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<sup>2</sup>Since we find no prima facie case of obviousness, we need not discuss the objective evidence supplied by appellants.

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The decision of the examiner to reject claims 36 through  
45 under 35 U.S.C. § 103 is reversed.

REVERSED

KENNETH W. HAIRSTON	)	
Administrative Patent Judge	)	
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	)	
	)	
	)	BOARD OF PATENT
LEE E. BARRETT	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
	)	
	)	
ANITA PELLMAN GROSS	)	
Administrative Patent Judge	)	

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